

Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

The following report is submitted on behalf of Georgia in accordance with decisions I/8, II/10 and IV/4.

Name of officer responsible for submitting the national report:	Nino Gokhelashvili (Ms) – Head, International Relations Division, Environmental Policy and International Relations Department, Ministry of Environment and Natural Resources Protection of Georgia
Signature:	
Date:	<i>07.12.2013</i>

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

Party	Georgia
National Focal Point	
Full name of the institution:	The Ministry of Environment and Natural Resources Protection of Georgia (MENRP)
Name and title of officer:	Nino Gokhelashvili – Head, Division of International Relations, Department of Environmental Policy and International Relations, Focal Point of the Aarhus Convention
Postal address:	0114
Telephone:	(+995 32) 727 223
Fax:	(+995 32) 727 223
E-mail:	n.gokhelashvili@moe.gov.ge

I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material, which was used as a basis for preparing the report.

Answer:

The draft report prepared by the Ministry of Environment and Natural Resources Protection of Georgia (MENRP) (05.05.2013-22.07.2013) was sent to the following governmental institutions for provision of comments and feedback (25.07.2013):

- The Committee of Environment Protection and Natural Resources of the Parliament of Georgia;*
- The Ministry of Energy of Georgia;*
- The Ministry of Science and Education;*
- The Ministry of Labor, Health and Social Affairs;*
- The Ministry of Agriculture;*
- The Ministry of Economy and Sustainable Development;*
- The Ministry of Justice;*
- The Ministry of Interior;*
- The Ministry of Regional Development and Infrastructure;*
- The Ministry of Finance;*
- The Supreme Court;*
- Tbilisi City Hal;*
- The Ombudsman.*

The draft report, prepared by the governmental institutions was published on the official website of the MENRP (moe.gov.ge) in the period between 18.09.2013-10.10.2013 and disseminated electronically through the Caucasus Environmental NGO network (CENN) for the purpose of receiving comments and feedback from the public.

After receiving of the comments from the public hearing of the report was organized (01.11.2013).

The report was elaborated through entering of amendments to the III National Report on implementation of the Convention and on the basis of information, provided by the above listed governmental institutions and relevant structural units of the MENRP, as well as comments, provided by the public.

The report was translated into English language and was submitted to the Secretariat of the Aarhus Convention and the Ministry of Foreign Affairs of Georgia together with the

Georgian version of the report (07.12.2013).

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

The Convention applies directly and shall be applicable to all the three branches of power. Namely, according to the Constitution of Georgia (article 6, paragraph 2) and the Law of Georgia on International Agreements (article 6, paragraph 2), international agreements, which are not in conflict with the Constitution of Georgia, Constitutional Law and Constitutional Agreement, shall have prevailing power over national normative acts.

For ensuring effective implementation of the Aarhus Convention it is expedient to revise national legislation to improve relevant procedures.

Financial constrains significantly impede collection, publication and dissemination of information.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

Explain how these paragraphs have been implemented. In particular, describe:

(a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;

(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, and the Almaty Guidelines, indicating whether the measures to coordinate are ongoing;

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which the access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g. inviting NGO members to participate in the Party's delegations in international environmental negotiations or involving NGOs in forming the Party's official position for such negotiations) including the stages at which the access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programs, projects, decisions and other substantive outputs of other international forums;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Answer:

(a) Current Legislation of Georgia is in compliance with major part of the requirements of the Convention (see below). Apart from this the Convention has prevalence over national law (see the answer to the previous question). Current legislation of Georgia stipulates the following: According to paragraphs 4 and 5 of article 37 of the Constitution of Georgia, everybody has the right to live in safe and healthy environment and have access to natural and cultural resources. The state, with the view of ensuring safe environment, in accordance with ecological and economic interests of society, with due regard to the interests of the current and future generations shall guarantee the protection of environment and the rational use of nature. The Law of Georgia on Protection of the Environment, adopted on December 10 of 1996 envisages protection of citizens' rights in environmental matters. In particular, according to article 6 of the mentioned law, each citizen has the right to live in a healthy environment and obtain complete, objective and timely information on the state of his/her working and living environment.

According to article 14 of the same law, for the purpose of provision of information to the public, the MENRP once in every three years approves the National Report on the State of Environment. State bodies and Legal Entities of Public Law (LEPL) are obligated to provide to the MENRP free of charge information on environmental status, available to them no later than within two months, from the date of receiving of such request. Promulgation of the National Report is necessary to ensure adherence to the principle of its accessibility for the public.

According to article 15 of the same law "for the purpose of promotion of protection and sustainable development of environment the system of environmental protection planning (Sustainable Development Strategy) is being developed, which incorporates a long-term strategic plan and a 5-year plan (National Environmental Action Plan). "It is necessary to ensure the public participation in the development of the Sustainable Development Strategy". On October 23 of 2010 under the Ministry of Economy and Sustainable Development of Georgia, Department of Sustainable Development was established. One of the main functions of this Department shall be participation in elaboration of Sustainable Development Strategy and state programs, targeted towards promotion of implementation of the strategy, as well as increasing of public awareness and provision of information to the public on the issues of sustainable development.

According to article 7, paragraph "t" of the Law of Georgia on Nuclear and Radiation Safety, adopted on March 20 of 2012, the MENRP should inform the public on those aspects of the status of radiation and nuclear safety, which do not represent state or commercial secret. According to article 23, paragraph "j" of the same law a license holder, depending on the type of activity, stipulated by a license, is obligated to inform the public on those aspects of the status of radiation and nuclear safety, which do not represent state or commercial secret. According to article 31 of the same law "emergency response plan for radiation hazards should contain all relevant responsibilities and measures that need to be implemented and provide clear delimitation of functions and responsibilities between the state bodies and non-governmental organizations, as well as cover such aspects, as communication and activities, related to preparation for notification of the public".

(b) In accordance with paragraph (d) article 6 of the Law of Georgia on the Protection of the Environment, "a citizen has the right to receive environmental and ecological education and raise his/her environmental awareness. According to article 8 of the same law for the purpose of increasing of public awareness in the environmental sphere and training of specialists should be set up unified system of environmental education, which shall include the network of educational institutions and the system of training and professional development of personnel. It must be noted, that for the purpose of increasing of the public awareness in the environmental sphere and training and professional development of relevant specialists in 2013 under the Aarhus Center of the MENRP was set up a LEPL Environmental Information and Education Center¹, which is

¹ From May 2013 the website of the Aarhus Center has not been updated. Currently website of Environmental Information and Education Center is being developed, which shall contain information of the Aarhus website as well. The website of the Aarhus center was closed on September 30 of 2013.

responsible for the following: ensure accessibility of environmental information, public participation in decision-making, access to justice in given sphere, raising of public awareness on environmental issues and promotion of training and professional development of respective specialists.

„By Presidential Decree N538 of December 18 of 2002, the State Program on Ecological Education of Population was approved, while by Resolution N84 of the Government of Georgia, adopted on October 18 of 2004 was approved National Objectives of General Education. According to this document, adolescent should be able to ensure protection and maintaining of environment as a result of education, received in the system of general education.

The MENRP jointly with the Ministry of Education and Science of Georgia has elaborated “National Strategy and Action Plan – Environmental Education for sustainable Development (2012-2014)“, main purpose of which is development of framework educational program in Georgia.

For the purpose of ensuring improvement of access to environmental information in the national curriculum for 2011-2016 relevant topics in different subjects are included. Also, standards of teaching different subjects have been developed as well, which include topics related to sustainable development and environmental issues.

- (c) *In accordance with article 6, paragraph (e) of the Law of Georgia on the Protection of Environment, a citizen of Georgia has the right to join public environmental organizations. The environmental NGOs are legal entities and have the same rights as other non-commercial (non-profit) legal entities. Article 29 of the Civil Code of Georgia defines the terms of registration of non-profit (non-commercial) legal entities.*

Procedures of registration of an NGO are quite simple and entities are registered by an authorized body under the Ministry of Justice of Georgia – LEPL National Agency of Public Registry. According to Resolution N509 of the Government of Georgia, dated by December 29 of 2011 on “Approval of Rates and Terms of Payment for Services, Rendered by the Agency, the price for the registration of a non-profit (non-commercial) legal person, entering of amendments in the registered data and cancellation of registration within one working day is 100 GEL².

There is no legal norm that prohibits inclusion of NGOs in the governmental bodies that are responsible for decision-making on environmental issues. NGOs have the right to participate with a consulting status in the committee hearings and meetings held by the Parliament and Executive Government.

² As of December 11 of 2013 USD100 is equivalent of 168.4 GEL.

According to article 10, paragraph “e” of the Law of Georgia on Nuclear and Radiation Safety, adopted on March 20 of 2012 one of the functions of the MENRP is “exchange of information with state agencies, NGOs, private entities, local bodies of self-governance and media”.

(d) In 2006 English and Georgian versions of the Almaty Guidelines were disseminated to all relevant stakeholders in Georgia.

Georgia supports public participation in global international and regional environmental processes as provided by principles of the Aarhus Convention. The government promotes participation of NGOs in official delegations of the country.

(e) The principles of the Aarhus Convention are reflected in the Constitution of Georgia, the Law of Georgia on Protection of Environment and the General Administrative Code of Georgia. According to Article 42 of the Constitution of Georgia, each person has a right to apply to the court for protection of his/her human rights and liberties (including the rights granted by the Convention)

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Answer:

So far Georgia does not have a long-term sustainable development strategy. However, it should be noted, that by the initiative of the MENRP and through the support of UNECE the Second Environmental Performance Review for the period of 2004 - 2009 has been prepared (EPR II). In 2012 the Government of Georgia adopted II National Environmental Action Plan for the period 2012 -2016. Also, with the support of the EU, the MENRP has elaborated and approved in 2011 the National Report on the State of Environment. The abovementioned documents (NEAP, EPR and SoE) serve as basis for preparation of a sustainable development strategy.

Enforcement of the Law on Nuclear and Radiation Safety is impeded, as there are no provisions regulating implementation. Although the law stipulates for adoption of normative acts till January 1 of 2015, which shall promote enforcement of the law.

One of the factors impeding implementation is relatively low level of the public awareness education on environmental issues.

For the purpose of enhancing of implementation of obligations, provided by the Aarhus Convention systemic approach needs to be adopted towards capacity building of civil servants. Initiatives (mainly trainings), implemented in given direction are not comprehensive, and consequently the results are not sustainable due to frequent structural reforms and replacement of personnel.

As to training of judges on the environmental issues and obligations undertaken within the

framework of the Convention, it should be noted, that the High School of Justice is responsible for professional development of judges and in the school along with other subjects the environmental law is taught too. Also, with assistance of the Aarhus Center, trainings on procedural issues for judges were organized, stipulated by the Aarhus convention. Despite this it should be noted, that the above mentioned measures are not sufficient and, apart from this, there are no trainings for judges on the principles of environmental protection.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

Provide further information on the **practical application of the general provisions of the Convention.**

Answer:

The Public Relations Service is a structural unit of the MENRP. The Service, together with other structural units of the MENRP is actively working in the following spheres:

- Promotion of raising of public interest towards environmental sphere;*
- Ensure accountability of the MENRP in front of the public;*
- Ensure transparency in regard to activities of the MENRP;*
- Promotion of building of public trust towards the MENRP.*

From November of 2013 the MENRP started to work actively towards gaining of trust of the public towards the MENRP. More than 20 meetings were organized with representatives of civil society in the capital, as well as in regions. The meetings are organized for the purpose of consideration of changes, planned by the MENRP, amendments entered into the legal framework and obtaining of comments and feedback from stakeholders.

The MENRP ensures provision of information to the public regarding activities of the MENRP and processes, ongoing in the sphere of environmental protection, maintains active communication with representatives of academic sector, educational institutions and other stakeholders.

For the purpose of increasing of public involvement a consultative body of the Minister – the Advisory Council was set up, in the composition of which environmental NGOs, specialists in the sphere of environment and other stakeholders are represented. It is planned to set up a scientific council as well.

Apart from the above started dialogue with business sector and it is planned to set up flexible and effective system of informing of businesses for the purpose of prevention of violation of requirements of the legislation.

For the purpose of informing of public on environmental problems and possible solutions to them, the MENRP regularly publishes information on its official website (structural subdivisions of the MENRP have their thematic websites too). The MENRP also disseminates information electronically and through media. The MENRP has official YouTube, Facebook and Twitter channels (over 13000 users).

From the end of 2012 rapid increase of web-site visitors and users of social networks is observed.

All projects, submitted to the MENRP for consideration and issuance of permits are published on official web-site of the MENRP for submission of comments and feedback. In the event of application of a stakeholder or a private person at an early stage of implementation of planned activity or in the process of planning of activities a meeting can be organized with an employee of the department, authorized to issue permits or the head of the department and in the event of necessity with the management of the MENRP.

The officials of the MENRP have public reception hours that ensure transparency of activities of the MENRP.

The Public Relations Service of the MENRP regularly receives notifications, comments and questions from citizens through phone calls, Facebook and e-mail. The MENRP responds to questions in operational regime and in the event of necessity arranges communication of citizens with competent persons. An NGO "Institute for Development of Freedom of Information" (IDFI) conducted monitoring in the period of August 2012- May 2013, as a result of which was established, that the MENRP has one of the best indicators in the sphere of communication with citizens and the MENRP was awarded for this achievement.

Legal entities of public law under the MENRP also actively use social media. Thus, number of users of the Facebook of the Agency of Protected Areas exceeds 36000.

For the purpose of popularization of protected areas and implementation of environmental education function in 2012 within the framework of the program "Popularization of Ecotourism, Ecological Education on Protected Areas" for pupils (2000 pupils) were organized visits to protected areas of Georgia. Regular educational-information tours to protected areas are planned for target groups.

According to analysis of results of the survey conducted in 2013, it was identified, that public awareness regarding protected areas of Georgia and their importance, has increased by 10%. For the purpose of increasing of public involvement and management of protected areas in 2010 for the first time in Georgia were created Associations of Friends of Protected Areas of Georgia, which were represented by local population, governmental organizations, NGOs, business sector and other stakeholders.

Representatives of the MENRP, NGOs, international organizations, and students participated in TV and radio programs dedicated to environmental issues. Thus, in 2013 within the framework of the project on "Ozone-depleting Substances" targeted towards promotion of implementation of commitments stipulated by the Montreal Protocol, a 6 week cycle of radio programs dedicated to the ozone-depleting substances was organized. Under this programmes population was provided detailed practical information in regard to given problem and ways of its solving. Also, this issue was highlighted from the standpoint of its correlation with the climate change problem.

Animation educational greeting cards on environmental issues were prepared, which were broadcasted as social advertisement through the channel of Public Broadcaster and were also published on the web-site of the MENRP.

In 2009-2011 a project “Green broadcasting» - a cycle of weekly TV and radio program was implemented. Currently is planned to elaborate a concept of TV and radio program of the MENRP and preparation and broadcasting of such program.

The MENRP promotes involvement of representatives of NGOs in conducting of environmental actions and shall place logos of supporting NGOs on its information materials (flyers, banners, note-pads) and shall enhance communication between representatives of the state agencies and citizens and other stakeholders.

For the purpose of raising of awareness and education in the environmental sphere the MENRP organizes conferences, workshops and trainings for target groups on environmental issues. For educational institutions are offered different eco-tours and eco-camps at favorable terms, also exhibitions and actions, targeted towards conducting of greening and cleaning actions are organized. Lessons are held for pupils on the climate change issues, meetings of the Minister with students of higher educational institutions are organized. Annual information calendars and thematic albums for pre-school children and pupils are produced and disseminated, also social advertisements and “green calendar” in electronic format and other information material are developed and published. Workshops, round tables, information eco-tours and other activities are being planned.

The information center and the hotline, that was functioning in the MEPNR from 2010 has ceased functioning as a result of reorganization conducted in the ministry in 2011. As a result of reorganization, conducted in May 14 of 2013 in the MENRP was re-established and started functioning a Subordinate State Institution - Department of Environmental Supervision. One of the functions of this Department is receiving of notifications from citizens and ensuring of response measures to such notifications. Also, the hotline of the MENRP is going to be relaunched.

The MENRP has concluded MoU with different educational institutions, NGOs and international organizations for the purpose of promotion of environmental education. In 2013 were concluded agreements:

- with one state university and one school;*
- with the Ministry of Education and Science of Georgia, GIZ and NGO Ecovision.*

In 2011 upon initiative of the Sustainable Development Department of the Ministry of Economy and Sustainable Development of Georgia and with support of GIZ information web portal www.greengeorgia.ge was developed, which is aimed at publication of information related to sustainable development and promotion of public awareness raising. Information published on the web portal is regularly updated and international and local communities can obtain detailed information on activities, implemented for the purpose of enhancing of

sustainable development in Georgia. The above referred Ministry actively cooperates with academic sector, namely higher educational institutions accredited in Georgia and regularly organizes workshops dedicated to the sustainable development issues, green economy and processes, ongoing in Georgia in given directions.

The Aarhus Centre cooperated with different universities, as a result of which in 2009 in some universities the course on International Environmental Law and intensive educational course on Implementation of the Aarhus Convention in Georgia was developed and introduced.

In 2010-2011 Public Broadcaster was airing advertisements prepared by the Aarhus Center on the issues of citizens' rights, stipulated by the Aarhus Convention.

Trainings on different demand-oriented environmental topics are conducted for the employees of the MENRP and other line ministries, as well as for the representatives of businesses and non-governmental sectors. Thus, representatives of the Service on Protection of Atmospheric Air conduct regular consultations with representatives of industries and update them on the principles and requirements related to protection of atmospheric air, that are operating in the country, as well as provide to them information to ensure correct maintenance of documentation and reporting.

The MENRP actively participates in the meetings of a think tank on disaster risk reduction. In the work of the think tank take part relevant state agencies, NGOs and representatives of scientific sector and the information is exchanged on regular basis. Starting from this year the MENRP shall be in charge of coordinating meetings of the think tank.

Taking into consideration certain drawbacks related to functioning of the Public Council and for the purpose of better implementation of obligations, stipulated by the Convention in the sphere of public involvement and access to justice, in 2013 under the MENRP a consultative body – the Advisory Council was set up. In the composition of this Council are represented NGOs, international organizations, media and independent experts. Purpose of the Advisory Council is promotion of involvement of the civil society in the work of the MENRP for ensuring transparency and accountability in front of the public.

Upon initiative of the MENRP is planned to establish a Scientific Council in the composition of which shall be included leading scientists of Georgia, that will strengthen cooperation between the MENRP and scientific sector and promote to more effective use of scientific potential of the country in the process of implementation of activities by the MENRP.

From June 2013 in the Department of Emergency Situations of the Ministry of Interior of Georgia the restructured Council of Experts (consultative body) is functioning, which is responsible for elaboration of targeted programs and planning of actions focused on prevention, mitigation and liquidation of impact of emergency situations. Purpose of the Council is elaboration of objective and realistic policy and development of the system of methodological and educational measures ensuring preparedness of population to emergency

situations, as well as promotion of dissemination of knowledge on safety, implementation of educational activities and emergency situation risk reduction. The Council cooperates with academic sector, representatives of state agencies and NGOs.

Under coordination of the above mentioned Department for the purpose of improving of preparedness to emergency situations and disasters and development of practical skills in the kindergartens, schools, collective centers of settlement of IDPs and refugees are conducted trainings, during which are provided theoretical materials and methodological assistance. The Department of Emergency Situations in collaboration with the Ministry of Education and Science of Georgia has introduced a new compulsory subject in the curricula of some classes of educational institutions under the name of “Civil Security and Defense”, while in other classes a special lesson is dedicated to this issues. Accordingly, teaching programme and guidelines were developed. About 3000 teachers underwent training. In Public schools were elaborated emergency situation response plans and school directors were trained on the issues of actions to be implemented in emergency situations. It is planned to promote pupils to prepare household plans of actions in emergency situations.

LEPL “National Center for Teacher Professional Development”, established under the Ministry of Education and Science of Georgia has developed following training modules: environment and sustainable development, and geographic surveys. These modules are targeted towards introduction of the principles of sustainable development. Teachers of public schools (they can register and participate in trainings free of charge), teachers of private schools and persons, intending to work as teachers (for certain fee) can participate in the trainings; also, master classes and workshops on environmental issues are conducted and attendance is free for all beneficiaries.

The Ministry of Education and Science of Georgia in cooperation with UNICEF has elaborated methodological guidelines for head teachers under the title “Teaching of Natural Disasters Risk Reduction through Interactive Methods”. Training module was developed (National Center for Teacher Professional Development) which was used for re-training of trainers of the Center. The trainers shall conduct trainings for 250 head teachers in 10 pilot schools till December of 2013, and after that in December 2013 the conference will be conducted for identification of best practices.

A training module “Education for Sustainable Development” was elaborated and through this module all teachers and administration of those schools, which participated in the pilot program “The School of XXI century” will be trained. Also, trainers shall be retrained for acquiring relevant competencies.

Articles dedicated to these issues are regularly published on the net-paper „mastsavlebeli.ge“, which is read by vast majority of teachers.

Informal environmental education through facultative activities and formation of clubs by the teachers is being supported. “Environmental Guidelines for Teachers” was elaborated.

Professional standards for teachers are being revised and the standards are going to incorporate “Competencies for Educators in the Sphere of Education for Sustainable Development”, which shall ensure, that sustainable development shall be the main focus of schools.

The National Center for Teacher Professional Development takes part in multilateral comenius project “Tiere Live”, which will be focused on biodiversity. Within the framework of the project an educational resource will be developed and it shall be piloted for the purpose of retraining of teachers.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

Give relevant web site addresses, if available:

www.moe.gov.ge; www.apa.gov.ge; biomonitoring.moe.gov.ge; www.3w.org.ge;
www.ozone.ge; www.mes.gov.ge; www.tpdc.ge; www.greengeorgia.ge

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of **paragraph 4** is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (e) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

(g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

The General Administrative Code of Georgia (especially Chapter III of the Code) to a great extent covers the requirements of article 4 of the Aarhus Convention. According to the Code all information held by the public authorities, as well as copies of documents, containing such information should be made available to the public unless the information represents state, professional or commercial secret or contains personal data.

Every person has the right to request information (the General Administrative Code of Georgia, article 37).

Information related to environmental protection, as well as data on the hazards, which can represent risk to human life and health, belongs to the category of information, classification of which is inadmissible (the General Administrative Code of Georgia, article 42, a).

(a) (i): According to article 37, paragraph 1 of the General Administrative Code of Georgia a person is not obligated to indicate in the application reason or purpose for information request;

(ii): According to article 37, paragraph 2 of the General Administrative Code of Georgia any person has the right to get acquainted with information in the original. If there is a risk of damaging of the original document, the public authority is obliged to ensure to the applicant opportunity of getting acquainted with the document under supervision or provide the person with a properly certified copy of the document;

(iii): According to article 37, paragraph 1 of the General Administrative Code of Georgia any person has the right to choose the format, in which he would prefer to obtain relevant information if the public authority holds this information in various formats;

(b) There are stricter time-limits in Georgia for provision of information, than presented by the Convention. According to the General Administrative Code of Georgia a public institution should immediately issue public information, including information, requested in electronic format, or provide it no later than within 10 days, in the event if provision of information is related to the following:

- the information needs to be obtained from structural subdivision of a public agency located in other settled area or the information needs to be collected from another public agency and needs to be processed;*
- obtaining and processing of substantial volume of unrelated documents is requested;*
- provision of information is related to conducting of consultations with structural subdivision of a public institution located in other settled area or another agency (article 40, section I).*

A public agency is required to make the information available to an applicant in the existing format and it is not obligated to prepare information in the format, requested by an applicant (see the review of implementation of article 5). This approach is in compliance with the principles of the Convention;

(c) (i) According to the General Administrative Code of Georgia, there are four types of confidential information in Georgia: personal data (article 27¹), commercial secret (article 27²), professional secret (article 27³) and the state secret (article 27⁴). Commercial secret means any information concerning a plan, formula, process, or means that constitute a commercial value, or any other information that is used to produce, prepare, or reprocess goods, or provide service, and/or which represents an innovation or a significant technical accomplishment, or any other information, disclosure of which could reasonably be expected to cause competitive harm to a person. Information constituting a state secret shall be defined by the legislation on the state secret. On the documents, containing information, considered as a state secret is put a special stamp, which confirms the category of classified information. A special stamp with such status exists on the documents. According to article 31, paragraphs 1 and 2 of the General Administrative Code of Georgia unless otherwise prescribed by applicable legislation, professional and commercial information shall be kept classified for an unlimited term. Commercial secret shall be declared open if the grounds for classifying such information can no longer be invoked. Decision on classification of public information and extension of the term of classification is entered into the Public Registry. There is also a list of information, classification of which is inadmissible (including information on the environment and data on hazards, which may represent threat to the human life and health, article 42).

The concept of personal data, its protection and processing is regulated by the Law of Georgia on Protection of Personal Data, according to which personal data is considered any information, which is related to identified or unidentifiable natural person. According to article 29 of the General Administrative Code of Georgia identity of civil servants (except for officials, occupying state-political positions), participating in the process of preparation of decisions of a public official is protected from disclosure by executive privilege.

Subparagraph b) of Paragraph 3 and subparagraphs a), g), h) of Paragraph 4 of the article 4 of the Convention are not applicable in Georgia.

(ii) The Convention applies directly. Public agencies are obliged to meet its requirements.

(d) Article 80 of the Administrative Code of Georgia sets stricter requirements towards public agencies than the Aarhus Convention. When receiving an application with the request for information, a public agency within 5 days is obligated to identify which public agency possesses such information and itself refers application to the relevant agency. If such public agency is not identified, the application with explanation of reasons for failure of provision of information should be returned to the applicant within 5 days from the date of submission of an application.

(e) According to article 33 of the General Administrative Code of Georgia after deletion of classified information from the document, remaining part of the information should be disclosed. When issuing such a document the following information should be reflected

in it: information, that part of the document was considered as confidential, a person classifying the information, grounds for such decision and the timeline.

- (f) *Article 41 of the Administrative Code of Georgia sets stricter requirements in regard to refusal of provision of information by public agencies, than the Aarhus Convention. The applicant should be immediately informed on the refusal to provide information. In the event of rejection of request on provision of information, a public agency is obligated to provide to the applicant written explanation within 3 days. In the explanation should be stated the institution, which was consulted when arriving to the decision on refusal to provide information. In the explanation should also be stated the right and procedures of appealing of such decision.*
- (g) *According to article 99 of the General Administrative Code of Georgia no fee should be charged for information and no impediment should be created for obtaining of a document or a copy and a fee can be charged only for coping or sending of the information through post. The law of Georgia on Charges for Copying of Documents defines the amount to be paid for making of copies of public information and the rules of payment of such amounts.*

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Answer:

There are some cases, when due to complexity or large volume of requested information 10 working days are not sufficient to process and issue requested information. There are very few cases when deadlines for provision of public information are violated, although in case if the deadline is not adhered to an interim response should be provided to the applicant with relevant explanation. In majority of cases public information is issued within 10 working days, as provided by the law.

It should be noted, that international organizations state that communication between MEPRN and public has improved and there is a tendency of raising of its effectiveness.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

Provide further information on the **practical application of the provisions on access to information**, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Answer:

- According to article 49 of the General Administrative Code of Georgia every year on December 10 all public institutions are obligated to submit a report on provision of public information to the President of Georgia and to the Parliament.

- The Public Relations Service of the MENRP produces statistics applications submitted to the MENRP in regard to provision of public information and responses, issued by the MENRP. According to this statistics:

In 2011 the MENRP received 151 applications with request on provision of public

information, 50 out of which were related to staffing issues, while remaining 101 applications were fully granted, and in 4 cases – partially granted.

In 2012 the MENRP received 87 applications with request on provision of public information and all the requests were granted.

As of September 10 of 2013 the MENRP received 110 applications with request on provision of public information and all the requests were granted.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

Give relevant web site addresses, if available:

www.moe.gov.ge

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- e) Measures taken to disseminate the information referred to in **paragraph 5**;
- f) With respect to **paragraph 6**, measures taken to encourage operators whose

activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

g) Measures taken to publish and provide information as required in **paragraph 7**;

h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

(a) (i) *According to article 27, paragraph 1 of the Law of Georgia on Environmental Protection, “the system of environmental monitoring is the unity of analysis of information obtained after observation over the state of the environment and forecasting”. The MENRP is responsible for coordination over the environmental monitoring system (article 27, paragraph 2). Results of environmental monitoring are available to the public (article 27, paragraph 3). The MENRP within the limits of its competence and in cooperation with relevant state agencies is responsible for managing and coordinating the process of registration, reporting and assessment of qualitative and quantitative indicators of the state of environment in accordance with requirements of Georgian legislation (article 26, paragraph 2).*

In the electronic system of management of timber resources data is entered electronically in on-line regime by the subordinate state institution of the MENRP, responsible for forest management, as well as natural and legal entities, authorized to use forest resources, owners of timber processing facilities and bodies, implementing environmental state control.

(ii) *Entrepreneurs, whose activities are subject to obtaining environmental impact permits, are obligated to adhere to the conditions, stipulated in the conclusion of ecological expertise. According to the Law of Georgia on Licenses and Permits permit-holders for use of natural resources should on annual basis submit reports on the use of natural resources. Control, over adherence to terms of a permit by a permit holder is implemented by Environmental Supervision Department, which is a subordinate state institution of the MENRP. The MENRP approves of draft limits of maximum permissible discharge of pollutants into surface water bodies by each user of water resources. In regard to activities, which are not subject to ecological expertise and which are related to emission of pollutants into atmospheric air, the MENRP approves of the technical report on inventory of stationary sources of pollution and pollutants, emitted by them.*

(iii) *Information about hazards that can affected human life and health, natural and anthropogenic disasters and other incidents, which have already occurred or can*

occur in the future, or undermine represent civil security should not be considered as confidential (the General Administrative Code of Georgia, article 42; the Law of Georgia on the State Secret, article 8).

According to the Law of Georgia on Protection of the Population and the Territory from the Natural and Anthropogenic Disasters (article 8, paragraph 3) central and local governments and legal entities are responsible to provide comprehensive and timely information to the public through media (printed or electronic media, including the internet. article 8, paragraph 3).

The article 8 of the same law considers publicity of information on emergency situation.

According to the same law the National Response Plan on Natural and Anthropogenic Emergency Situations represents the unified system of response plans on protection of the population and the territory from natural and anthropogenic emergency situations, elaborated by ministries, subordinate state institutions and legal entities of public law (article 1, paragraph “k”).

According to the Presidential Decree on Approval of National Response Plan on Natural and Anthropogenic Emergency Situations, dated by August 26 of 2008 information on emergency situations is disseminated through public and private broadcasting companies as well as vehicles, equipped with “loud speakers”.

In regard to this issue it should be noted, that following principles of the Law of Georgia on Public Health are providing for the following: (article 4, paragraphs “a” and “b”):

- a) conducting of preventive measures for the purpose of averting of threats to public health;*
- b) clear definition of competences of state bodies engaged in public health issues and effective informational coordination between these structures in the process of planning and implementation of public health related activities.*

Chapter II of the above mentioned law defines the rights and obligations of the public and legal entities concerning public health issues. According to the Article 5, paragraph “e” of the law every person residing on the territory of Georgia is obligated to notify the Public Health Service on any emergency situation, caused by violation of sanitary norms in production and technological processes.

According to article 35, paragraph 6 of the same law, the Ministry of Defense, the Ministry of Penitentiary, Probation and Legal Aid and the Ministry of Internal Affairs are obligated to immediately inform the Public Health Service about any circumstances, that may pose risk to the health and safety of the population. According to the national legislation, information about emergency situations is public information and should be accessible to everybody unless investigation is ongoing for establishing the reasons or persons, causing emergency situation.

According to paragraph “b” of article 24 of the Law of Georgia on Nuclear and

Radiation Safety, dated by March 20 of 2012 in the event of radiation emergency and/or incident a license holder should immediately notify population regarding expected danger.

It should also be mentioned that article 233 of the Criminal Code of Georgia stipulates criminal liability in the event of concealing or distorting of information on emergencies or accidents at nuclear or radioactive installations. Also, according to article 247 of the same Code of Georgia, criminal sanction is applicable in the event of concealing or fabricating of information regarding circumstances, posing risk to human health and life.

- (b) Each public agency should maintain its own public register of information (the General Administrative Code of Georgia, article 35). These public registers are accessible to everyone.*

According to the General Administrative Code of Georgia each public agency shall designate a person, who shall be in charge of provision of environmental information to public and whose chief responsibility shall be responding to information requests.

- (c) Information on ongoing and completed activities of the MENRP is posted on its web site. The web site is regularly updated. During 2009 - 2013 the Aarhus Centre has been uploading monthly newsletters "Brief Overview of the Environmental Pollution of Georgia".*
- (d) Accordance to the Law of Georgia on Environmental Protection (article 14, paragraph 1) the MENRP approves the National Report on the State of Environment once in every three years. In 2001, 2002, 2003, 2004 and 2005 the National Reports were published on the web site of the Aarhus Centre Georgia, while the National Report on the State of Environment for the period of 2007-2009 was published on the official website of the MENRP.*
- (e) On the web site of the MENRP information, provided by paragraph 5 of the given article is published. For the purpose of timely dissemination of information the MENRP apart from its own website disseminates information through the electronic networks of Caucasus Environmental NGOs Network (CENN), Regional Environmental Centre for the Caucasus (RECC) and mass media.*
- (f) The national legislation contains no provision or norm corresponding to this paragraph, which would offer incentives to the operators of small and medium enterprises.*
- (g) In the MENRP the practice of organizing meetings with NGOs is established where the MENRP reports on implemented activities and conducts consultations on other significant issues.*
- (h) The Decree of the Minister of Agriculture of Georgia (December 11, 2009) on Approval of Additional Requirements for Food Labeling establishes additional requirements for food products of all types, that circulate on the territory of Georgia and is aimed at ensuring protection of consumers' economic interests.*
- (i) In 2009-2011 within the framework of the project "Strengthening Capacity for Designing of National Pollutant Release and Transfer Register and Supporting of Strategic Approach to International Chemicals Management (SAICM)" possibility of creation of*

the pollutant release and transfer register (PRTR) was analyzed and relevant recommendations were elaborated. Within the framework of the same project in 2012 a model of National Register was developed.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.

Answer:

Collection and dissemination of information is regulated to a certain extent. Despite the fact, that Public Relations Service of the MENRP collects and uploads certain information obtained from the structural units of the MENRP, some problems and gaps in this direction still remain.

On the website of the National Environmental Agency, which is a Legal Entity of Public Law under the MENRP is uploaded the report for only 1 month, namely for June of 2013, which is related to certain technical problems.

On the local level population is fully informed in the event of force majeure, but population does not possess information regarding such aspects, as in which risk zones are situated their houses, or how to protect themselves from certain hazards. Consequently, in the process of construction of new houses relevant risk factors are not taken into consideration. For the purpose of regulation of above mentioned issues the legal framework needs to be revised.

In order to obtain environmental information from the public institutions in a timely manner a unified environmental database needs to be developed, which would promote to obtaining of information. The MENRP is currently working with relevant institutions regarding this issue.

Problems related to dissemination of information in regions of Georgia have been mostly eliminated and currently postal service is working properly and internet is available, which promotes to exchange of information.

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Answer:

In the MENRP electronic data base and electronic system of document processing has been developed. Also, the registry of application for and issuing of public information is being maintained, which contains following information: the name of the applicant, the content of requested information, deadline for processing of information and results, also, indication of classified information, the reason for considering the information as confidential and the name of the official, who assigned to information the status of classified information. Data contained in the public registry is open to public and interested party shall be immediately furnished with such information.

There is an institutional system of data transfer in the fields of hydrometeorology, geodynamic processes, engineering protection and environmental pollution. Two types of information – standard and specific are prepared for users regarding hydro meteorological conditions and the state of environmental pollution. The following is predefined: standard formats for data on hydro meteorological conditions and environmental pollution; the list of state bodies and institutions that routinely receive the information without submission of request for information; the time frames and means provision of data (currier, fax, e-mail and postal service) on hydro meteorological and geological risks, geo-ecological risks and environmental pollution. As to data related to geological and geo-ecological risks, this type of information is disseminated in two ways: 1. In the event of regional monitoring – in the end of each year is disseminated processed information on location of geological hazard and possible risks for the next year, as well as mitigation measures. Also, simultaneously information bulletin is published on the website, accessible to all stakeholders and users. 2. In case of occurrence of a natural disaster in each specific case are disseminated results of surveys, conducted in force majeure situation with indication of relevant measures and such information is provided to the management of municipalities in operational manner. The standard information on hydro meteorological conditions, environmental pollution and preventive measures for coastal protection is disseminated free of charge. Specific information on hydro meteorological and geodynamical conditions, expediency of implementation of construction activities within the coastal zones and the status of environmental pollution, which is prepared upon receiving of specific requests from customers is provided for certain fee, the amount of which depends on the type of rendered service.

LEPL National Environmental Agency under the MENRP is responsible for ensuring interconnection of databases on the monitoring of hydrological, meteorological, geodynamic processes, coastal formation and environmental pollution. As to ensuring interconnection of databases, maintained by other environmental governmental and non-governmental organizations, this is still not properly regulated. Currently measures focused on development of this system are being implemented.

The above mentioned agency on annual basis publishes the bulletin of environmental hazards, which incorporates relevant maps, indicating the hot spots. The bulletin contains forecasts on expected geological risks for each region. The bulletin is disseminated among the relevant bodies of executive power on the central, as well as local level to ensure, that the risks are taken into consideration and reflected in the development plans.

In the LEPL National Agency of Forestry electronic system of management of timber resources is maintained, where forest stands and sawmills are registered and the electronic system allows systematization of information on timber resources.

On the basis of Order #479 of the Minister of Interior of Georgia, dated by June 12 of 2013 under the Department of Management of Emergency Situations a renewed Council of Experts is functioning, which is responsible for elaboration of measures targeted at prevention of emergency situations, mitigation of their results and development of targeted programs. The Council prepares explanatory materials to inform broad public on possible natural disasters and emergencies for the purpose of promotion of raising of ecological awareness and conducting of educational activities in the sphere of civil defense. The Department of Management of Emergency Situations in cooperation with the Ministry of Education and Science of Georgia introduced in educational institutions of Georgia a new subject – “Civil Security and Defense”. This subject was introduced in 4, 8 and 12th forms as compulsory subject, while in other forms is introduced a special teaching hour, when the head teacher gives lesson on relevant issues.

On the web site of the Ministry of Interior of Georgia is regularly published information on information emergency situations, that have occurred in Georgia, as well as operational information on implemented response measures and information on activities implemented for the purpose of ensuring safety. On the website is also provided statistical analysis, maps of potential emergency situations and risks and rules of conduct in emergency situations. The Ministry of Interior of Georgia in cooperation with different governmental and non-governmental organizations periodically prepares and publishes popular materials about response measures in emergency situations.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

Give relevant web site addresses, if available:

www.moe.gov.ge; www.rec-caucasus.org; www.cenn.org; www.police.ge

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

<p>(a) With respect to paragraph 1, measures taken to ensure that:</p> <p>(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;</p> <p>(ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;</p>
<p>(b) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2;</p> <p>(c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of paragraph 3;</p> <p>(d) With respect to paragraph 4, measures taken to ensure that there is early public participation;</p> <p>(e) With respect to paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;</p> <p>(f) With respect to paragraph 6, measures taken to ensure that:</p> <p>(i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;</p> <p>(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;</p> <p>(g) With respect to paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;</p> <p>(h) With respect to paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;</p> <p>(i) With respect to paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;</p> <p>(j) With respect to paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied</p>

making the necessary changes, and where appropriate;

- (k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

Below is explained how Georgian legislation regulates participation of public in the decision-making process. These regulations are applied with respect to environmental impact permits. Not only NGOs, but also any interested party has a right to participate in the process, as well as appeal in regard to lawfulness of procedures and substance. The obligatory components of the procedures are: submission of the documents for public examination and publication of relevant information, receiving of comments, conducting of public hearing and publishing of decision. An administrative decision, reached in violation of set procedures is considered as void. Any representative of public has a right to appeal such decision and attain its cancellation. The established procedure of issuing of permits is in compliance with almost all the requirements, set forth in article 6:

- (a) *The Law of Georgia on Environmental Impact Permit of December 14 of 2007 defines the list of activities subject to ecological expertise. All these activities are subject to environmental impact assessment in accordance with the procedures, stipulated by article 6.*
- (b) *The Law of Georgia on Environmental Impact Permit ensures participation of public in the decision-making in regard to issuing of environmental permits (article 1, paragraph 2). According to the same law a permit-seeker is obligated to organize public hearing of environmental Impact assessment (EIA) prior to submission of application for permit to the relevant administrative body (article 6).*
- (c) *The issues related to public consultations are defined in the Law of Georgia on Environmental Impact Permit. According to the law, within 45 days from publication of information on planned activities public is authorized to submit written comments and suggestions (article 6, paragraph 4, sub-paragraph "b").*
- (d) *According to the Law of Georgia on Environmental Impact Permit the developer is obligated to organize a public hearing on the EIA report no earlier than 50 days prior to and no later than 60 days after publishing the announcement on planned activity (article 6, paragraph 4, sub-paragraph "b"). Only after the public hearing has been arranged, the developer can apply to the administrative body to obtain the permit for starting implementation of the activity. Information on the planned activity is published both in the central and local newspapers of the region, where the activity is planned to be implemented and publication of the announcement is responsibility of the developer. Following information should be published in regard to planned activity: aim of the planned activity, specification of the activity, location, and address where public can familiarize itself with the documents on the activity, as well as deadline for submission of comments and time and place of public hearing. Also, for the purpose of promotion of publicity of information and informing of public at earlier stage, relevant department of*

the MENRP publishes information on planned projects and related documentation on the website of the MENRP.

(e) Developer is required to carry out a study of environmental impact assessment and prepare the EIA report prior to publishing the information on the activity and applying to the administrative body for obtaining of a permit. The developer has the right to consult with the public at given stage. The results of such consultations should be attached to the application for a permit.

(f) According to the Law of Georgia on Environmental Impact Permit, the developer is obligated to provide the public the EIA report and all significant documents during the public consideration and receive public comments and suggestions expressed during or prior to the public hearing. The developer should prepare the protocol of public hearing and submit it to the administrative body authorized to issue permits. This information is accessible to any interested party (articles 6 and 7).

According to article 8, paragraph 2, "e" of the Law of Georgia on Environmental Impact Permit, if the activity is related to the state or commercial secrets, developer should submit statement on the confidentiality of the application. According to the paragraph 3 of the same article "developer has to provide a complete scheme of technological cycle to the administrative body, authorized to issue permit even in those cases, if the activity is related to commercial and/or state secret". According to sub-paragraph "e" of paragraph 2 of given article, the developer should submit this part of application separately (such cases have not been taken places in the process of issuing of environmental permit by the MENRP).

(g) Any representative of public has the right to submit written comments and suggestions to the developer within 45 days after publication of the application on implementation of activities (article 6, paragraph 4, "b"). The permit-seeker should consider public comments and suggestions and take them into account when preparing the final version of the EIA report.

(h) Given issue is regulated by the article 7 of the Law of Georgia on Environmental Impact Permit. According to the above mentioned article the developer shall prepare the protocol on results of public hearing within 5 days from the date of holding of public hearing of the EIA report. The protocol should describe in detail comments and suggestions provided by public during the public hearing. In the event, if the developer fails to take into consideration comments and suggestions of the public, he is required to provide written justification for refusal to take into consideration comments and suggestions and send such justification to the authors of comments and suggestions. The developer should submit the above referred written justification (together with relevant written comments and suggestions) together with the protocol on results of public hearing and the EIA report to administrative body, issuing the permit.

(i) According to the General Administrative Code of Georgia upon receiving of application with request of provision of information in writing the MENRP shall issue requested public information.

According to article 53 of the General Administrative Code of Georgia "individual legal-

administrative act should contain justification and shall be prepared in writing". Paragraph 5 of the same article states, that "an administrative body is not authorized to base its decision on the circumstances, facts, evidence, or arguments that have not been examined and analyzed during the administrative proceeding. Consequently, justification of issued legal-administrative acts is based on professional and legal conclusions, if such need arises in regard with establishment of significant circumstances of the case.

(j) The register of permits is updated regularly. According to the national legislation modification of existing production technology and its replacement by different technology, that causes changes in exploitation conditions, is also considered as activity, subject to ecological examination and correspondingly, requires an environmental impact permit (article 4, paragraph 2).

(k) The draft law on Genetically Modified Organisms that reflects the principles of the Aarhus Convention has been developed.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

Answer:

The list of activities subject to EIA ecological expertise, provided by national legislation is less detailed and flexible, than the list of activities, provided in the Annex 1 of the Aarhus Convention and it does not include whole range of sphere, including the following: opencast and deep mining of minerals, production and processing of paper, facilities designated for intensive poultry or swine breeding, food production, milk processing, etc.

Public participation in the process of public consideration of EIAs is low. Generally, public expresses more interest towards large projects. According to observations of the Aarhus Centre limited participation of public can be ascribed to the fact, that in many cases a developer is not notifying public or involve it in the decision-making process effectively. As we have seen from the practice, in cases, when public was duly informed and involved in decision-making process, the level of participation was quite high.

There are some other reasons, causing low level of participation as well, e.g. lack of interest expressed by NGOs. It is necessary to raise interest of NGOs towards participation in projects. Also, lack of organization of public at local level and weak community-based civil society organizations.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defense purposes.

Answer:

On the website of the Aarhus Center in 2008-2013 was published the list of activities, subject to EIA and public hearings were conducted in regard to all planned activities.

In regard to all projects, that are currently implemented by the subordinate institutions of the Ministry of Regional Development and Infrastructure of Georgia, which are subject to EIA all requirements, related to public involvement and procedures, stipulated by the law have been adhered to (among such projects are: treatment of solid waste and/or construction of landfills; construction of international and national roads and highways, tunnels, construction of facilities for protection and fortification of highways, construction of subway and wastewater treatment facilities (with capacity of 1000 and more cubic meters), installation of mail collector of sewage).

The Law of Georgia on Environmental Impact Permit defines the rules of exemption of an activity from EIA procedures. Article 11 of this law states, that “an activity can be exempted from EIA procedures, if the state interests require initiation of an activity and adoption of decision in a timely manner”.

At the MENRP a Special Council on Environmental impact is set up, which is authorized to consider exemption of activity from EIA procedures in cases, when due to state interest the activity should be implemented and decision should be reached in a timely manner. This procedure implies exemption from EIA and consequently, from the requirement of conducting of public consideration. The MENRP maintains data base on activities, exempted from EIA. According to data for 2010-2012 in regard to 27 facilities public hearings were not conducted. In 2013 investors have not applied to the MENRP with request on exemption from EIA.

All enterprises, in regard to which conclusion of ecological expertise and/or environmental impact permit has been issued, have undergone the procedure of public hearing.

Currently environmental legislation is being revised and procedures, related to involvement of public in decision-making in regard to certain types of activities shall be improved further.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

Give relevant web site addresses, if available:

www.moe.gov.ge; www.mrdi.gov.ge

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programs relating to the environment. Describe the transposition

of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Georgian legislation does not stipulate for participation of public in the process of preparation of environmental plans and programs. It should be stated, that it is planned to revise legislation regulating given issue.

In regard to participation of public in consideration of plans, attached to EIA (plan of mitigation of environmental impact, emergency response plan, waste management plan, environmental monitoring plan, etc.) it should be stated, that these plans should be attached to EIA at the stage of preliminary consideration of EIA, to ensure, that population can express its opinion in regard to these plans as well. In those cases, when interested parties and public could not get acquainted with such plans, they can be requested from the MENRP in accordance with procedure of submission of requests for provision of public information. In such cases relevant articles of General Administrative Code of Georgia shall be applicable (articles 28, 37, 40).

Revision of legislation is planned, which is aimed at increasing of involvement of public at the stage of initial consideration, as well as in decision-making process.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

Answer:

In 2013 in the process of elaboration of National Forestry Policy the draft document was considered at working meetings with experts of the sector and the draft policy was finalized and prepared for public consideration, which implies publication of the document, receiving of comments and organization of meetings with stakeholders. Population, local and foreign experts, representatives of governmental, non-governmental organizations and scientific sector will take part in planned meetings.

In the process of preparation of National Biodiversity Strategy and Action Plan (NBSAP II) organizations, participating in elaboration of relevant thematic sections of the document were organizing working meetings with stakeholders. In 2012 -2013 were held around 30 such meetings.

For the purpose of ensuring public involvement in the process of decision-making in regard to protected areas the LEPL Agency of Protected Areas disseminated management plan of one of protected areas through the information system of CENN. Prior to official approval of the plan shall be taken into consideration comments and proposals submitted by stakeholders.

As to participation of public in elaboration of other environmental documents (such as National Environmental Action Plan, Report on the State of Environment, etc.), public hearings are organized and provided comments and proposals are taken into consideration. Thus, the process of preparation of SoE for the period of 2007-2009 was fully transparent and

relevant information was published on the website, developed for this purpose: www.soegeorgia.blogspot.com. All working drafts of the document and received comments and feedback were also uploaded on the website. For the purpose of ensuring of transparency of the process of preparation of National Report on the State of Environment for the period of 2007-2009 was set up a working group, composed of experts from NGOs and representatives of scientific circles and civil society organizations. In 2010 were conducted several public hearings of the draft report.

MENR⁸ with financial assistance of EU is implementing Twinning project on waste management. Within the framework of the project public hearings on the draft law on waste management were conducted in March-June of 2013.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

Describe any **obstacles encountered** in the implementation of article 7.

Answer:

According to the national legislation public participation is provided for only by the Law of Georgia on Environmental Impact Permit, which does not consider public participation in policies and strategies. Legislative amendments are planned, which along with other aspects will be focused at ensuring promotion of public participation at the stage of initial consideration, as well as in decision-making process.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer:

National Environmental Action Program, National Forest Policy, National Report on the State of the Environment, National biodiversity Strategy and Action Plan (NBSAP)

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

Give relevant web site addresses, if available:

www.moe.gov.ge; www.mof.ge; biomonitoring.moe.gov.ge; www.soegeorgia.blogspot.com

XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

The Constitution of Georgia, the General Administrative Code of Georgia, the Law of Georgia on Environmental Protection and the Law of Georgia on Environmental Impact Permit provide for implementation of the rights, stipulated by article 8 of the Convention. Public Administrative Proceeding is also applicable for promulgation of individual legal-administrative act of an administrative body if the above mentioned is not provided by the law (the General Administrative Code of Georgia, Chapter IX).

Public participation in this process is guaranteed by the legislation. According to Chapter IX of the General Administrative Code of Georgia everybody has the right to submit written comments and suggestions within 20 days from the date of publication of notice on individual legal-administrative act or from the date of submission of such legal-administrative act for public consideration. Each administrative body ensures publication of draft normative acts, elaborated by them on their official web sites. In the process of elaboration of draft normative acts the body, issuing such act shall be responsible for ensuring publicity of issued acts, and respectively public comments and suggestions are submitted to the agency for further consideration.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

Describe any **obstacles encountered** in the implementation of article 8.

Answer:

It should be stated, that there are cases, when the public is actively involved in the process of preparation of draft laws, as well as cases, when the level of participation of public is quite low. In cases, when public expresses interest towards some legislative initiatives, public has opportunity of participating in their drafting and consideration. Often such initiatives are coming from the public but not from the state agencies.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

Provide further information on the practical application of the provisions on **public participation in the field covered by article 8.**

Answer:

Given issue is not regulated by the national legislation. Although it should be noted, that in accordance with amendments to the General Administrative Code of Georgia, which entered into force from September 1 of 2013, public information is considered an official document (including a drawing, model, plan, scheme, photo, electronic information, video and audio recordings), maintained and kept by a public institution, as well as information, received, processes, created or sent by a public institution or civil servant in the process of implementation of his job-related duties; also, information published by a state institution proactively. Proactive dissemination of information through placement of public information, representing interest to a public by a state body through use of electronic resources in accordance with requirements, set forth in relevant normative act.

Administrative bodies often publish information on their official websites. Also, they cooperate with NGOs and disseminate information on draft laws and projects through them.

Till May of 2013 in response to the request of the Aarhus Centre, submitted to the Parliament of Georgia, the latter provided information on the draft laws related to environmental protection and use of natural resources that were submitted to the Parliament. The draft laws and the tentative dates of their review in the Parliament were posted on the Aarhus Centre web site that allowed the public to be informed of possible amendments and participate in the hearings as provided by the law. In the event of existence of a legal mechanism for public participation in the process of reviewing draft laws would make public involvement more effective.

It should be noted, that in accordance with practices, introduced in the MENRP in regard to publication of draft legal acts through the website of the MENRP and organizing of public hearings, from October of 2012 till May 2013 the MENRP organized public considerations of 53 legal acts.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

Give relevant web site addresses, if available:

www.parliament.ge; www.moe.gov.ge

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a

review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to **paragraph 4**, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

(e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

- (a) *Any person may submit complaint against a public authority in regard to infringement of his right to access of information in the higher public administrative body, as well as apply to the court after the above referred procedure. The final decision, reached in regard to such complaints shall be mandatory for execution by a public body. In the event of refusal to issue information, a public institution is obligated to provide to the applicant within 3 days from the date of adoption of a decision written explanation of his/her rights and ways of appealing of a decision, as well as indicate the structural subdivision or a public agency, with which it conducted consultations in regard to refusal of provision of information.*
- (b) *The right to appeal decision of an administrative body is provided by Chapter XIII - the General Administrative Code of Georgia, according to which an interested party can apply with complaint to an administrative body in regard to decision or action of an administrative body. The administrative appeal shall be considered and decision shall be reached by the administrative body, which has issued legal-administrative act, if there is an official, superior to the public officer, who issued such act, or a department, to which the structural unit, issuing such act is subordinated. The administrative appeal submitted in regard to legal-administrative act adopted by the head of an administrative body shall be considered by a superior administrative body. The same chapter of the Code establishes the rules of consideration of administrative appeals and relevant administrative proceedings. An administrative body is obliged to involve the interested parties in the process of consideration of an appeal. The interested parties shall have the right to express its opinion, defend its interests and conduct the oral hearing. The oral hearing is open.*
- (c) *The General Administrative Code of Georgia, the Civil Procedural Code of Georgia and the Criminal Procedural Code of Georgia regulate the requirements of article 9, paragraph 3 of the Convention. According to the national legislation any person has the right to file an application to a superior administrative body or bring a case before a*

court if his rights were violated or restricted by the decision or action of an administrative agency, as a result of which he incurred damage.

- (d) *Measures related to paragraph 4 envisage guarantees in regard to right provided by the national legislation, namely the rights stipulated by: Articles 29-31 of the Code of Administrative Proceedings of Georgia (it should be noted that, according to article 31, a court is authorized to render a temporary ruling prior to bringing of an action if there is a risk, that existing circumstances may hinder realization of rights of the applicant or realization of such rights shall become significantly complicated) and by Chapter XXIII of the Civil Procedural Code of Georgia on "Enforcement of an Appeal".*
- (e) *Chapter IX of the General Administrative Code of Georgia regulates issues of public administrative proceeding. In particular, it regulates the following: issuance of an individual legal-administrative act through a public administrative proceeding, publishing of the notice regarding submission of documents for public access, the list of documents to be presented for public access, procedures for presenting of opinions and suggestions, drafting and submission of an individual legal-administrative act for public access, etc.*

The General Administrative Code of Georgia describes in detail the following procedures: submission of an administrative complain to an administrative body, review and decision-making on the complaint and procedures of filing a complaint to a court by a citizen, if his rights related to access to information and participation in a decision-making process were violated by an administrative agency (General administrative Code of Georgia).

Some state bodies, NGOs and international organizations conduct active campaigns for public awareness in the sphere of access to justice.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.

Answer:

As of today cases of violation of deadlines for consideration of claims, filed to the court in regard to violation of the right of access on environmental information have not been registered. According to article 7 of the organic law of Georgia on Common Law Courts a judge is independent in the process of exercising of his/her duties and he/she obeys only the Constitution of Georgia, universally acknowledged principles and norms of international treaties, according to other laws and his/her preconceived opinion. Consequently, the Civil Procedural Code of Georgia and Administrative Procedural Code of Georgia define the circle of persons, who shall be exempted from the obligation of payment of costs of court proceedings. Some provisions also envisage deferral of such costs or reduction of their amount. Consequently, a judge defines the amount of charges on case by case basis in accordance with requirements of the law.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

Provide further information on the practical application of the provisions on access to justice

pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Answer:

According to the General Administrative Code of Georgia a public agency shall designate a public servant, responsible for providing public information (article 36). If the public servant fails to provide the public information, disciplinary action shall be initiated against him/her in accordance with rules, set by legislation of Georgia.

The MENRP maintains statistics on environmental court proceedings and their outcomes, which is reflected in the annual report of relevant structural unit. The Department of Environmental Supervision under the MENRP within the limits of its competence maintains registration, systematization and analysis of identified violations.

The Aarhus Centre prepared the brochure “How to Apply to the Court to Protect our Environmental Rights”, which was disseminated among the stakeholders. The brochure was available on its web site.

The Aarhus Center prepared information on the structure of the court system in Georgia and posted it on its web site. Contact information on the courts in Georgia was also published on the Aarhus Centre web site.

The practice of applying of the Convention by judges is becoming widespread.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

Give relevant web site addresses, if available:

www.coj.gov.ge; www.supremecourt.ge; www.court.gov.ge; www.gyla.ge, www.alpe.ge, www.article42.ge

XXXII. GENERAL COMMENTS ON THE CONVENTION’S OBJECTIVES:

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

Accession of Georgia to the Convention significantly increased the opportunity of citizens to control how their government protects their environment and they have possibility of contributing to the protection of the environment. General trend is indicating to increase of activeness of public and public institutions in their turn respond to pronounced interest of the public. However, it is possible to increase public activity by undertaking appropriate measures. Participation in the specific activities increases the number and experience of

persons who participate actively in the public development process.

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6bis AND ANNEX I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

(a) With respect to **paragraph 1** of article 6 bis and:

(i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

(ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;

(iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market, as well as the assessment report where available;

(iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

(v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

- a. The nature of possible decisions;
- b. The public authority responsible for making the decision;
- c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
- d. An indication of the public authority from which relevant information can be obtained;
- e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

(vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis.

Answer:

A draft law on the GMOs was developed in compliance with the principles of the Aarhus Convention including those, reflected in annex I bis and the article 6 bis. The draft law dwells upon live modified organisms.

XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Answer:

Lack of appropriate accredited testing laboratories and qualified staff; scarcity of information about the methodology of risk assessment related to products and raw food materials containing GMOs.

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g. are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Updated version of the draft law on live GMOs has been elaborated, which is in compliance with the principles of the Aarhus Convention. The draft law was published on the website of the National Service of Food Safety, Veterinary and Plant Protection and was disseminated among relevant state agencies for consideration. Currently the process of analyzing of received comments is under way.

The Decree #2-231 (December 11, 2009) of the Minister of Agriculture of Georgia on the Approval of Additional Requirements for Food Labeling (article 9 – labeling of Genetically Modified Food Products) stipulates for only the obligation of informing of the public if the food contains genetically modified components (putting appropriate information on a label in accordance with defined rules) that enables the public to make decision on the purchase of food products.

The Decree of the Government of Georgia of July 30 of 2013 approves of the rules of bio production. The document defines labeling of food products sold on the market as “bio”, “eco”, “organic”, “ecologically clean” product, which provides to the consumers information on healthy food products.

The non-governmental sector is involved in the process of informing the public. The National Centre for Monitoring and Scientific Research of Manufacturing of GMO Products was established. Representatives of NGO sector participate in conferences and meetings

related to the given issues.

**XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF
ARTICLE 6bis**

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer:

Information materials on GMO and GMO containing products are periodically published on the website of the Ministry of Agriculture www.moa.gov.ge and National Food Agency www.nfa.gov.ge.